

IN THE DISTRICT COURT OF GARVIN COUNTY
STATE OF OKLAHOMA

NEVA OWENS, an Individual,)
)
 Plaintiff,)
)
 v.)
)
 WAL-MART STORES EAST, L.P., d/b/a)
 WAL-MART STORES, INC., a/k/a)
 WAL-MART, a/k/a)
 WAL-MART SUPERCENTER, a/k/a)
 WAL-MART SUPERCENTER #1043,)
 a Foreign Limited Partnership,)
)
 Defendant.)

Case No. CJ-2021-33

STATE OF OKLAHOMA
GARVIN COUNTY
FILED
JUN 11 2021
AT 1:10 O'CLOCK P.M.
BY LAURA DEE, Court Clerk
DEPUTY

SECOND AMENDED PETITION

COMES NOW the Plaintiff, Neva Owens, (hereinafter "Plaintiff"), and for her causes of action against the Defendant, Wal-Mart Stores East, L.P., d/b/a Wal-Mart Stores, Inc., a/k/a Wal-Mart, a/k/a Wal-Mart Supercenter, a/k/a Wal-Mart Supercenter #1043, (hereinafter "Defendant") alleges and states as follows:

STATEMENT OF FACTS

1. On or about July 4, 2020, Defendant was in control and possession of the premises and/or maintained operations at its store located at 2008 W. Grant Avenue, Pauls Valley Oklahoma., identified as Wal-Mart Supercenter.
2. Defendant maintained the premises in a negligent manner.
3. Plaintiff was an invitee on the property controlled by the Defendant and was injured when she slipped on what was believed to be a banana on the floor. This caused Plaintiff to fall which resulted in Plaintiff injuring her right knee/leg.

EXHIBIT 2

I. FIRST CAUSE OF ACTION-NEGLIGENCE

Plaintiff hereby incorporates by reference all allegations contained in paragraphs 1 through 3 as if fully set out and further states the following:

4. As a result of the negligence on the part of the Defendant, Plaintiff was seriously injured.
5. That the incident complained herein, was created by the Defendant or by Defendant's employees who were acting within the course and scope of their employment at all times complained of herein.
6. That Defendant had a duty to provide the Plaintiff a safe place to shop at Defendant's premises and Defendant had a duty to maintain its premises in a safe condition for invitees.
7. That Defendant breached that duty to Plaintiff and was negligent in several respects.
8. That Defendant had a duty to either remove or warn Plaintiff of dangers on the premises.
9. That Defendant failed to warn Plaintiff of the danger associated with the area of the floor where she fell.
10. That Defendant's failure to maintain its premises in a safe condition, proximately caused Plaintiff's injuries and damages.
11. That in the exercise of reasonable care, the Defendant knew or should have known of the dangers surrounding the area of the floor where Plaintiff fell.
12. That Defendants negligently hired, trained, and supervised its employees.
13. That Defendant's failure to maintain its premises in a safe condition and failure to adequately train and supervise its employees, proximately caused Plaintiff's injuries and damages.

14. That the incident complained of herein, was created by the Defendants or by Defendants' employees who were acting within the course and scope of their employment at all times complained of.

15. That prior to said incident, Plaintiff was in good health with a normal life expectancy, but as a direct and proximate result of Defendant's negligence, Plaintiff has suffered injuries and damages for which she is entitled to recover.

16. As a direct and proximate result of the Defendant's negligence, Plaintiff sustained injuries and damages, including, but not limited to, physical pain and mental suffering, medical expenses, permanent and continuing injury to her right knee/leg.

WHEREFORE, Plaintiff prays for judgment against the Defendant, in an amount in excess of \$75,000.00 for compensatory damages, together with attorneys' fees, pre-judgment and post-judgment interest, costs in this action, and for such other relief as the Court may deem just and proper.

Respectfully submitted,



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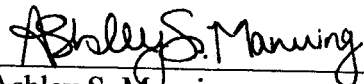
-And-

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Attorneys for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on the ____ day of June 2021, I mailed, postage prepaid by first class U. S. Mail, and/or emailed a true copy of the foregoing instrument to:

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Jeffrey D. Scott
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Ashley S. Manning